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1 **STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS**
 NARRAGANSETT BAY COMMISSION

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4 **IN RE: MONTHLY BOARD MEETING OF THE COMMISSION**

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7 **DATE: JANUARY 24, 2007**

TIME: 11:00 A.M.

8 **NARRAGANSETT BAY COMMISSION**

CORPORATE OFFICE BUILDING

9 **ONE SERVICE ROAD**

PROVIDENCE, RI 02905

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12 **MEMBERS PRESENT:**

13 **VINCENT MESOLELLA, CHAIRMAN**

RAYMOND MARSHALL, EXECUTIVE DIRECTOR

14 **MICHAEL SALVADORE**

HONORABLE THOMAS LAZIEH

15 **PATRICK CAINE**

R. DAVID CRUISE

16 **JOHN MACQUEEN**

JONATHAN FARNUM

17 **BRUCE CAMPBELL**

JOE KIMBALL

18 MIKE DiCHIRO

ROBERT ANDRADE

19 LEO THOMPSON

ALAN NATHAN

20

21

22

23 RHODE ISLAND COURT REPORTING

747 NORTH MAIN STREET

24 PROVIDENCE, RI 02904

(401) 437-3366

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1 (COMMENCED AT 11:10 A.M.)

2 THE CHAIRMAN: Good morning,

3 everyone. I trust everyone had a great holiday.

4 Happy New Year. Recognizing a quorum, we will

5 call the meeting of the Narragansett Bay

6 Commission Board of Commissioners to order at

7 11:10.

8 First order of business is the approval

9 of the previous minutes. Have all of our members

10 had an opportunity --

11 MR. MARSHALL: We have two edits.

12 THE CHAIRMAN: Okay, we have two

13 edits on the minutes. Page 8 -- page 31, there's
14 four pages on each sheet. The bottom of the sheet
15 will say page 8, but it reflects it's pages 29
16 through 32. And on page 31, it says "The Hearing
17 Officer," what it should say is "The Chairman,"
18 and then the comment.

19 MR. LAZIEH: Is that the written
20 correction that was already added in?

21 MR. MARSHALL: Yes.

22 THE CHAIRMAN: And on page 9 at
23 the top of the page, which would be pages 33 to
24 36, it says "Mr. Anthony," it really should

3

1 reflect that it's Commissioner Andrade.

2 Having noted those corrections, have our
3 members had an opportunity to review the previous
4 minutes, and if so, are there any other comments
5 or questions regarding the minutes?

6 MR. LAZIEH: Mr. Chairman, make a
7 motion to accept in place and file the minutes as
8 corrected.

9 THE CHAIRMAN: We have a motion to
10 approve the previous minutes.

11 MR. SALVADORE: Second.

12 MR. FARNUM: Second.

13 **THE CHAIRMAN:** Second by
14 Commissioner Salvadore and Farnum; discussion on
15 the previous minutes? Is there discussion on the
16 previous minutes? Hearing none, all of those that
17 are in favor will say aye. Are there any opposed?
18 There are none opposed and the motion carries.

19 The next order of business is Old
20 Business. Item No. 3 is Old Business. Is there
21 any Old Business to come before the commission
22 today? Old Business?

23 **MR. LAZIEH:** Mr. Chairman, I want
24 to, first of all, I want to welcome our new

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1 Executive Director to his first official meeting.
2 That would be New Business, but secondly, I want
3 to thank you, Mr. Chairman, for I know at a
4 previous meeting I questioned at this board the
5 status of our issue regarding Separation of
6 Powers.

7 And I have received a correspondence
8 dated January 17th that you sent out to all the
9 commissioners, I believe, the official action or
10 the official wording that the board or the
11 commission should take in the future. Has this
12 been adopted or is this just a recommendation?

13 THE CHAIRMAN: Not yet. That is a
14 recommendation. I'm anticipating that this might
15 surface as an issue today. I had copies made in
16 case any of the commissioners did not receive a
17 letter and needed a copy of it. First of all, did
18 everyone receive the letter? Does anyone need a
19 copy?

20 MR. NATHAN: I just want to follow
21 up. I think that was very well written.

22 THE CHAIRMAN: Thank you.

23 MR. LAZIEH: Mr. Chairman, this is
24 not the official action, it's just a

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1 recommendation at this time?

2 THE CHAIRMAN: Yes. I had planned
3 to put it before the board or get at least comment
4 on it, so I thought I would forward the letter. I
5 believe that is the position that the board took
6 at previous meetings. So I thought I would reduce
7 it to writing, get your reaction to it. I wasn't
8 sure whether or not it was going to be raised as
9 an issue today, but I came prepared with copies if
10 it was raised.

11 MR. LAZIEH: Mr. Chairman, I
12 believe that the issue is still very relevant, and

13 it will be before the General Assembly and before
14 the media at future times.

15 I think since this is a recommendation,
16 I would request -- I also believe it's
17 well-written, but it should be the official policy
18 or stand of the commission. I would make a
19 recommendation that we adopt this wording as our
20 official answer to any questions on Separation of
21 Powers, where we stand. I make that as a motion.

22 THE CHAIRMAN: Just so everyone
23 makes sure that they have it, the language in
24 front of them -- let me accept your motion, first

6

1 of all.

2 MR. MACQUEEN: Second.

3 THE CHAIRMAN: We have a motion,
4 seconded by Commissioner MacQueen, and now we're
5 on discussion of it. Is there any comment with
6 regard to the letter and the language contained in
7 the letter?

8 MR. LAZIEH: Mr. Chairman, maybe
9 we should have it read into the record first.

10 THE CHAIRMAN: Okay.

11 MR. LAZIEH: I think some people
12 may not know what it says.

13 **THE CHAIRMAN:** Okay. With regard
14 to future inquiries regarding the Narragansett Bay
15 Commission's members position on issues regarding
16 Separation of Powers, the following statement
17 should be considered the official statement of the
18 board.

19 **"The Narragansett Bay Commission's first**
20 **responsibility is to fulfill its mission to**
21 **preserve and to protect Narragansett Bay's water**
22 **quality by delivering reliable wastewater**
23 **collection and treatment services to our**
24 **ratepayers at a reasonable cost. We will continue**

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1 to work within whatever framework the General
2 Assembly deems appropriate as we have done since
3 our inception."

4 **That's the language of the letter. We**
5 **have a motion and a second, further discussion?**
6 **Commissioner Nathan.**

7 **MR. NATHAN:** Motion for approval
8 of that.

9 **MR. DiCHIRO:** Second.

10 **THE CHAIRMAN:** We have another
11 second. In such case, other comments, questions?

12 **MR. SALVADORE:** I have a question.

13 **THE CHAIRMAN:** Proceed.

14 **MR. SALVADORE:** Insofar as the
15 commission is concerned, the authority for
16 speaking, as I understand it, I just want to get
17 this certified, if you will, the authority to
18 speak for the commission is limited to the
19 Chairman and the Executive Director, so that
20 should -- I think what I'm getting is, I know what
21 I'm getting at is that should the media, the
22 newspaper, call one of the commissioners, they
23 don't have the authority to speak for the
24 commission?

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1 **THE CHAIRMAN:** I wouldn't say that
2 they don't have the authority. I would say that
3 no one, including the Chair, can speak for the
4 commission. We can all speak our own personal
5 opinions, but I mean, I think collectively, the
6 board, by vote of the board, should have a
7 position.

8 But individually, I mean, I don't see
9 how, and certainly I have no authority to place a
10 gag order on any members of the commission. But,
11 I mean, as a matter of procedure, the press
12 usually calls either our public relations person,

13 which is Jamie, or the Executive Director, but if
14 you were to get a call, I don't see any problem
15 with expressing your personal opinion, but
16 collectively, I mean, I think this is the position
17 of the board.

18 MR. MARSHALL: From the staff's
19 point of view, it's Public Affairs Manager Jamie
20 Samons, and then the Executive Director, and I was
21 also authorized to speak when I was Deputy
22 Director by Paul. So the three of us handled all
23 the media inquiries.

24 We tried to funnel them through Jamie so

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1 that we are keeping good logs of those types of
2 things. And anybody else on the staff, from time
3 to time, we'd have them speak on issues, sometimes
4 during a public meeting, and they had to give
5 their opinion or the commission's opinion, but
6 it's not an open-ended thing where anyone can
7 field questions from the press, from the staff
8 point of view.

9 MR. SALVADORE: Thank you.

10 THE CHAIRMAN: Further discussion?
11 Hearing none, all of those that are in favor will
12 say aye. Are there any opposed? There are none

13 opposed and the motion carries. Thank you.

14 Further Old Business? We're still on Old

15 Business. Old Business?

16 Okay, moving right along. Presentation

17 of Certificate of Appreciation. Perhaps the

18 Executive Director can relate the matter of the

19 incident before we conduct the citation.

20 MR. MARSHALL: What we have here

21 is the opportunity to recognize some employees and

22 Commissioner Andrade is going to read the

23 resolution in a moment.

24 They were out conducting their normal

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1 duties and we had a little incident out on the

2 boat where a staff member -- there were three

3 people on the boat at the time -- tumbled into the

4 bay, and they reacted quickly. They did a great

5 job.

6 Either Tom or John Motta is going to

7 give a little bit of an explanation as to how we

8 attire them and the training that they go through,

9 but I think what we'll do is have Bob read the

10 Resolution of Appreciation at this point.

11 MR. ANDRADE: This is the

12 Resolution of Appreciation.

13 **"Whereas on January 10, 2007,**
14 **environmental monitoring staff began a routine day**
15 **of bacteria monitoring in Narragansett Bay aboard**
16 **the NBC research vessel, R/V Monitor;**

17 **And whereas, on that date, one staff**
18 **member began to feel ill and shortly thereafter**
19 **fell off the boat and into the bay;**

20 **And whereas, EMDA monitoring technician**
21 **Jeff Tortorella and EMDA monitoring assistant Sara**
22 **Nadeau immediately initiated the man overboard**
23 **standard operating procedure;**

24 **And whereas, the staff member was**

11

1 **quickly returned to the boat and transported to**
2 **Rhode Island Hospital for treatment, where it was**
3 **determined that his type 5 cold weather work suit,**
4 **which is designed to protect against hypothermia**
5 **and to keep an individual floating, had fulfilled**
6 **its function;**

7 **And whereas, all staff members followed**
8 **extensive NBC boat and safety standard operating**
9 **procedures in an extremely pressure intense**
10 **situation, and Jeff and Sara, in particular,**
11 **responded with promptness and precision;**

12 **Now, therefore be it resolved, that the**

13 Narragansett Bay Commission shall express its
14 sincere appreciation to Jeff Tortorella and Sara
15 Nadeau for their quick action, cool heads in the
16 face of emergency, and concern over the safety of
17 their coworker." Presented on January 24, 2007.

18 MR. UVA: What we do is we have
19 extensive training for our monitoring staff. As
20 you noted, we were out there sampling. The
21 weather's been great this year, so we kept our
22 boat in the water right into January.

23 And we were sampling the beginning of
24 January, and we provide extensive training to our

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1 teams, and we redrill this, we drill them, we have
2 safety equipment.

3 This is a typical life vest that they
4 wear. This is an automatic inflation vest and
5 they retail for about \$150. And this is required
6 on the boat at all times. This will automatically
7 inflate if they fall in the water.

8 In the cold weather, we have this cold
9 water emergent suit. And this is a type 5
10 flotation device. And one of the sampling team
11 wasn't feeling well and Jeff, the ship's captain,
12 asked if he wanted to return to the dock. He

13 wanted to continue the job and get the job done
14 sampling that day.

15 It was the last run of the winter before
16 we hauled the boat the following week. He said he
17 was fine. He wanted to sit outside and get a
18 little air. And the boat going only going about 5
19 miles an hour, but he sat on the gunnel of the
20 boat and he fainted and he went overboard
21 backwards.

22 And Sara quickly threw him the life ring
23 and Jeffery hit the computer to lock in the wave
24 point and they spun the boat around and fished him

13

1 out of the water in about a minute or so, less
2 than a minute.

3 And they called the hospital, the
4 hospital rescue met them at the docks and they got
5 him right to the hospital for hypothermia
6 treatment.

7 But with this suit, Jeff indicated that
8 it looked like he was standing up in the water
9 because he was so high. The water level was about
10 waist high, so the safety training paid off, and
11 they did an exemplary job. I just want to thank
12 our team for doing that.

13 MR. MARSHALL: I think one of the
14 things that's the most impressive about this is
15 not just the fact that we have this equipment and
16 do all the training, but that the employees are
17 actually able to respond in a pressure situation
18 like that, you know, and do the right thing.

19 All the training in the world is a good
20 thing, but then your people have to respond to
21 that when the time actually comes, you know, to
22 act, and they really did a fine job.

23 THE CHAIRMAN: We were pleased to
24 provide ear warmers and gloves for the

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1 commissioners. I would like to say there is no
2 intention at this time to provide floatation
3 devices, and no, Commissioner MacQueen, they do
4 not come in baby blue. Okay.

5 Next order of business, the Executive
6 Director's report; do you have a report,
7 Mr. Secretary?

8 MR. MARSHALL: Yes, I do.

9 THE CHAIRMAN: Proceed.

10 MR. MARSHALL: Seeing as this is
11 my first report, I'm going to try to hit what I
12 think are the highlights now. What I need is that

13 afterwards all of you can give me some feedback as
14 to whether I hit too many highlights.

15 Paul was very efficient at this. I'm
16 going to be try to be equally efficient, but I may
17 talk a little longer than he normally does. Look,
18 the room's already emptying out and I haven't said
19 more than ten words.

20 MR. CAINE: Is that your standard
21 reaction?

22 MR. MARSHALL: Apparently that's
23 the way it's going to be, yes.

24 Last month, we had very good treatment.

15

1 At Field's Point, we had numbers in the teens, and
2 at Bucklin Point, they were in the single digits.
3 Staff's doing a great job operating facilities
4 that we provided to them.

5 At Field's Point, there were no permit
6 violations last month. And as a matter of fact,
7 for the top four parameters; suspended solids,
8 BOD, fecals and chlorine residuals, there are a
9 potential 1716 permit potential violations, and
10 they only had one during the entire year. That's
11 quite a remarkable level of accomplishment.

12 Sludge removal, they removed on average

13 about 21 dry tons per day. Synagro is handling
14 that for us. We continue to make significant
15 progress on the asset management program.

16 Some of the miscellaneous things that
17 have happened. We've worked on numerous equipment
18 upgrades and tune-ups during the course of the
19 month. And we did have a group of science
20 students from Classical High School come through
21 the plant at Field's Point on a tour, and that was
22 in conjunction with the Save The Bay educators.

23 As we mentioned at a couple of the
24 meetings, that it will be a good thing to work

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1 more closely with Save The Bay and this is the
2 first of hopefully many steps in that regard.

3 At Bucklin Point, the new facilities
4 continue to operate well. We received final O & M
5 manuals, we've worked on a few other systems in
6 the plant to try to fine-tune those. We've turned
7 sludge pumps into blowers, as an example.

8 Also at Bucklin Point, we hosted a
9 three-day collection system training program.
10 That was run by the New England Interstate Water
11 Pollution Control Commission. We were the host
12 facility for that.

13 In the Interceptor Maintenance Group, we
14 had no overflow events in December. And over the
15 course of the month, they did 385 inspections of
16 our regulators, 23 of which required some
17 attention, but there were no overflows that
18 occurred because they're on the ball there. They
19 follow a regular pattern every day, every week,
20 every month to make sure that those are clear and
21 operating properly.

22 They also did other various maintenance
23 items between the catch basin cleaning and the
24 sumps, they removed about 50 tons of grit and

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1 hailed that up to the landfill.

2 In the month of December, the septage
3 receiving station in Lincoln, we received
4 approximately 670,000 gallons of septage, which
5 was from about 250 deliveries. They continue to
6 work on the interceptor cleaning project. They
7 inspected two miles of pipe in the last month.

8 We have three contracts that we have
9 vendors that we use to TV and clean our
10 interceptors. That totals about 25 miles of pipe,
11 which is about a quarter of our system, and those
12 projects are all wrapping up. They're all in the

13 high 90 percent completion range.

14 We'll be having more coming out in the
15 next year or two. The idea is to get around to
16 inspect, clean and TV all of our facilities that
17 are out there in the collection system.

18 The Engineering section is busy. There
19 is a public hearing tomorrow night here in this
20 room and it has to do with the biological nutrient
21 removal project at Field's Point, what is being
22 proposed, the type of technologies, so we'll see
23 what we get for a crowd if, in fact, we have a
24 crowd tomorrow night.

18

1 And at that point, whatever comes up at
2 the public hearing, we have a certain amount of
3 time to respond and submit to DEM so that we can
4 continue to meet our consent agreement deadlines.

5 In the CSO phase 2 facility project,
6 which you approved \$9.2 million for engineering in
7 the last month or two, we're going to begin the
8 first phase of that. The conceptual design report
9 amendment is due at DEM in August of this year.
10 And the Louis Berger Group and Joe Pratt are ready
11 to really get rolling on that. There's a lot of
12 work to do in the next seven or eight months.

13 We also have a public meeting planned in
14 Lincoln for February 15th at 7:00 p.m. at the town
15 hall. We had a system-wide evaluation done of our
16 wastewater collection system where we've done a
17 lot of metering and identifying where the choke
18 points are in our system and what we need to do to
19 remedy those is where we are right now in terms of
20 evaluating the upgrades.

21 And this particular public meeting is in
22 the Louisquisset area which services Lincoln, the
23 southwest section of Lincoln; is that right, Tom?

24 MR. UVA: Yes.

19

1 MR. MARSHALL: So if you're
2 interested in that, that's February 15th, 7:00
3 p.m. in the town hall. We continue to work on our
4 efforts up in the Cumberland area, identifying our
5 sewer location and the manholes and the easements
6 in Cumberland.

7 And the town of Johnston, we have an RFP
8 that we're working on. That will be going out to
9 have the Central Avenue Pump Station evaluated.
10 The project that last month you authorized us to
11 reject all bids, Sheridan/Oxford/Hartford Avenue,
12 that project is out to bid again. We'll be

13 opening bids February 15th. And that's the
14 project I think I mentioned earlier at the CEO
15 meeting where we revised some of the work and
16 added some work to that contract, so we'll see
17 what we get for prices on that job in the next
18 month or so.

19 The laboratory improvements for the HVAC
20 system, which the building is located behind us
21 here, that will be going out to bid in the next
22 couple of months and you have an action item under
23 CEO for that that we'll get to shortly.

24 The construction, the incinerator

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1 contract, the demolition of that, of those
2 facilities, that is now complete. All the paving
3 is done. On the tunnel contract, the contractor
4 is approaching a hundred percent completion. He
5 should be done sometime in the next couple of
6 months. He's involved in a lot of cleanup. He's
7 taking down the concrete plant.

8 The tunnel shaft, the main shaft where a
9 lot of you entered to go on the tours, he's done
10 lining that. That was at 55 feet diameter, it's
11 down to like 35 feet diameter now. So that's all
12 in place. That contract looks like it's going to

13 wrap up very successfully.

14 On one other CSO contract, the
15 Woonasquatucket River relief interceptor, where
16 Walsh Construction was the contractor on that.
17 For a while now we've known that he was going to
18 submit a claim for additional work and he has now
19 submitted that.

20 We have been carrying somewhere around
21 2.1 million and he actually submitted at 1.9
22 million. We're in the process of evaluating that.
23 He's asking for arbitration. So we have the
24 attorneys looking at that and evaluating what our

21

1 response should be. We'll have to begin prepping
2 on that in the next few months.

3 The last CSO contract that has to be
4 awarded is the regulator modifications. You'll
5 have an action item on that at CEO shortly, and
6 that's the last of 13 contracts. The pump station
7 contract for the tunnel, they're doing a lot of
8 jet grouting on Ellis Street, which is just off of
9 Ernest, to support the box culvert before they
10 jack underneath it.

11 And on the screening building they built
12 right adjacent to the treatment plant, they're in

13 the process of closing that building in. The
14 Washington Highway/Omega Pond Pump Station up in
15 the Bucklin Point service district, the force main
16 across Omega Pond has been completed and the
17 Bucklin Point wastewater treatment facility
18 improvements that we put on line a year or so ago
19 have been operating well.

20 We're still fine-tuning the processing
21 equipment. We're getting very good removals, even
22 into the cold weather. So that's encouraging.
23 We'll see how it operates next year. The permit
24 is May through October and then we'll have to

22

1 submit a report to DEM explaining what levels of
2 treatment we're getting and what we recommend
3 doing next.

4 Financially, you probably all heard
5 Karen's report. We're 50 percent of the way
6 through the year and we've spent 45 percent of the
7 budget and we currently have 241 people employed,
8 or that was the end of December we were at that
9 point.

10 The Policy Planning and Regulation
11 Division, there's one effort I want to note this
12 month, and that is the stormwater mitigation

13 process. Back in 2003 when we really began the
14 CSO project in earnest, there was a lot of talk
15 about what else we could do besides the big
16 construction project, so what we felt we could do
17 is work with the developers as they came in with
18 various proposals before us to try to get them to
19 keep stormwater out of our system.

20 Because historically, in the combined
21 areas when they proposed a development, they
22 really had nowhere else to go, they had no pipe to
23 go into, other than the combined system with their
24 stormwater. Wherever there was the opportunity,

23

1 we had them put it into a storm drain, but in a
2 lot of cases in the combined areas, I mean, they
3 would have to run it thousands and thousands of
4 feet in order to get to some other option.

5 So what we've been having them do is to
6 look at the infiltration basins, and it's actually
7 worked out very well because for a three-month
8 storm, which is what the CSO tunnel is based upon,
9 we've now been able to eliminate 2.6 million
10 gallons of flow which is about four or five
11 percent of the tunnel's capacity of 62 million.

12 And that grows, of course, in even

13 larger storms. For a 2-year storm, it would be
14 5.3 million and for a 25-year storm, 10.8 million
15 gallons of stormwater going into our system and
16 therefore into the tunnel, providing more
17 capacity, more capture, better results is what
18 we're aiming for.

19 So now this is along the lines of sewer
20 separation, but it's more proactive. And some of
21 the big projects that we've been able to employ
22 this on are the whole Rhode Island Hospital campus
23 improvement projects, Providence College had a big
24 project that they did where they worked with us.

24

1 They put a bunch of leaching basins
2 under some of their ball fields. So wherever we
3 have the opportunity to effect improvement like
4 this, we've been trying to take advantage of them.
5 So far, so good. We've been conducting hearing
6 tests for our staff.

7 Sewer connection permits. We had 34
8 last month, a total of 865 for the year, and that
9 has brought in about \$340,000 in permit fees. The
10 EMDA Group and the individuals who just received
11 the award were part of that group, they collected
12 over 1600 samples in the month of December,

13 bringing the total for 2006 to over 22,000 samples
14 they've collected.

15 The laboratory analyzed last month over
16 4200 samples. And that includes both the
17 receiving water as well as other treatment plant
18 samples.

19 The septage receiving facility, for the
20 year, received 9.4 million gallons of septage. At
21 one point in time, there was some discussion about
22 the value of this facility and how much activity
23 we were seeing out there.

24 As you can see, 9.4 million gallons of

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1 septage, and that's pretty nasty stuff if you've
2 ever had any exposure to it. We are capturing
3 that and making sure it is properly disposed of.

4 We continue to work on our wind energy
5 project across the street. We have received a
6 building permit to put up what they call a "met
7 tower," a metrological tower. It should be going
8 up in the next several weeks, right?

9 MR. UVA: Next week.

10 MR. MARSHALL: We've worked with
11 the State Building Commission and Roger Williams
12 University. I believe it's their tower; is that

13 correct, Tom?

14 MR. UVA: The state of Rhode
15 Island owns the Energy Office and Roger Williams
16 University loans that out and they take ownership
17 of it through contract.

18 MR. MARSHALL: So the next time
19 they come down here for a meeting, the
20 commissioners will see it sticking up under the
21 skyline?

22 MR. UVA: Absolutely.

23 MR. MARSHALL: So you have to look
24 for it next time you drive down the street. It's

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1 about what?

2 MR. UVA: It's 40 meters tall,
3 about 130 feet tall, and there'll be three
4 anonometers on there that will measure air speed.
5 It will be up for probably six months to a year,
6 and it will be used to finalize calculations to
7 see if it's cost effective to put up a wind
8 turbine that would be about 300 feel tall. One
9 wind turbine would probably provide about
10 25 percent of the electric needed for the
11 facility.

12 MR. MARSHALL: The light poles

13 over there, just for a point of reference, are
14 about 100 feet tall. So this will be about
15 40 feet higher than the light towers we have out
16 there.

17 In the Legal section, they continue to
18 work on projects such as the East Providence
19 merger. We'll have a report for you on that a
20 little later. And the campus unification effort,
21 we'll have a presentation for you on that toward
22 the end of the meeting.

23 The Wastewater Rules and Regulations
24 that Commissioner Lazieh asked about earlier in

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1 the day, they went into effect on the 20th of
2 December. They've been filed with the Secretary
3 of State. And we had the closing on the Quality
4 Beef property or the property that was adjacent to
5 Quality Beef that they have now purchased. That
6 happened in mid-December.

7 Easements, based on the lien sale,
8 activity -- let me go back for second. The
9 easements, what legal is doing is compiling all
10 the information on all the easements throughout
11 the district. In some towns, that's not that
12 difficult of a challenge. In others, it's very

13 difficult. So they've been working hard on that.

14 And now on the lien sale, which was
15 November 16th. We had 55 accounts that were all
16 sold, \$118,800. Legal staff as well as customer
17 service did a great job on that. We are now in
18 the process of recording the deeds in the various
19 cities and towns.

20 Public affairs is working on the annual
21 report. CSO, DVD revision. We've submitted
22 several projects here at the Bay Commission for
23 NACWA awards and the poster calendar is available
24 for distribution. I don't know if there are any

28

1 copies down here today.

2 I have two other items that I want to
3 make you aware of that aren't in the report. One
4 is last week we received a letter from the EPA and
5 it was in conjunction with DEM. All 30 owners of
6 sewer systems in the state received it, and what
7 it says is that they're going to be aggressively
8 pursuing the elimination of sanitary sewer
9 overflows, which are dry weather overflows, in the
10 state of Rhode Island.

11 In their opinion, there are too many of
12 them and they want to use Rhode Island as a model

13 apparently, for not only New England, but the rest
14 of the nation, and we're a small enough state for
15 them to do that. They are going to have a
16 combination of education and enforcement that is
17 supposed to get everyone to understand the
18 importance of it.

19 Many of the things that they want done
20 we are already in the process of doing. Items
21 like asset management, a CMON plan, TV-ing and
22 inspecting all of our sewers, have a capital
23 improvement program, having regular maintenance
24 runs by the interceptor maintenance crews, going

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1 out and checking the regulators, you know, things
2 of that nature, keeping logs, all of that.

3 So, while I'm not claiming we're
4 perfect, we certainly, I think, have a leg up on
5 all of this. At the Rhode Island League of Cities
6 and Towns meeting tomorrow, the EPA is going to be
7 having an information session for all the people
8 who have received these letters to explain what
9 they're going to do.

10 They'll probably be asking most of the
11 owners to sign administrative orders which will
12 spell out what they need to do and when they need

13 to do it by, so I'll keep you posted as this
14 continues to develop. Again, I think we're in
15 very good shape with all the forward thinking that
16 our staff has done on these items over the years.

17 There are probably some owners in the
18 state that don't have any of these programs in
19 place, and as a result, we could be reading about
20 it in the newspapers. And if you have any
21 additional questions as you read the story, feel
22 free to give me a call and we can discuss it
23 further.

24 The second item is the New England Water

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1 Environment Association, which is an arm of the
2 Water Environment Federation on a national level,
3 has selected the NBC for its 2006 Excellence
4 Award. That award is being presented up in Boston
5 today at their annual meeting. Paul Nordstrom is
6 up there receiving it on our behalf, but
7 representatives from NEWEA have also agreed to
8 come down here and make a presentation at one of
9 our future board meetings so that our operations
10 staff can get the credit that they so richly
11 deserve.

12 Those are the two things that I wanted

13 to let you know about that weren't on the or in
14 the report. And with that, Mr. Chairman, I am
15 finally done.

16 This is the initial award that NEWEA is
17 giving. They hope to make it an annual award, but
18 we're the very first recipient of it. We're
19 really honored to have been selected out of all
20 the utilities in the New England area. And that's
21 a credit to our operations staff.

22 THE CHAIRMAN: Okay. Having heard
23 the Executive Director's report, does anyone have
24 any questions with regard to the report, any

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1 questions needing clarification? Commissioner
2 Campbell.

3 MR. CAMPBELL: It would be helpful
4 if he notes the page he's on as he switches from
5 topic to topic. Sometimes I get lost.

6 MR. MARSHALL: Okay. I'll do
7 that.

8 THE CHAIRMAN: The next order of
9 business, committee reports and action items
10 resulting. The first committee reporting is the
11 Finance Committee. Commissioner Andrade, do you
12 have a report for us today?

13 **MR. ANDRADE:** The Finance
14 Committee has no report for the board today,
15 Mr. Chairman.
16 **THE CHAIRMAN:** Thank you. Moving
17 right along, the CEO Committee. Chairman
18 Salvadore had to leave. There were two matters
19 before the CEO Committee.

20 First is Item A, review and approval of
21 Resolution 2007:01, award of Contract 06:907.00RS,
22 Construction-Related Services for Laboratory HVAC
23 Improvements.

24 The resolution is contained in your

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1 packet. The Construction, Engineering and
2 Operations Committee voted unanimously to approve
3 the award for services to Camp, Dresser and McKee.
4 The copy of the resolution, like I say, is in your
5 packet. I would move that we approve Resolution
6 2007:01.

7 **MR. ANDRADE:** I'll second it.

8 **THE CHAIRMAN:** We have a second.

9 **MR. DiCHIRO:** Second.

10 **MR. FARNUM:** Second.

11 **THE CHAIRMAN:** Second by
12 Commissioner DiChiro, Commissioner Farnum,

13 Commissioner Andrade; is there further discussion?
14 Further discussion? Hearing none, all of those
15 that are in favor will say aye. Are there any
16 opposed? There are none opposed and that motion
17 carries.

18 The next order of business is Item B,
19 which is review and approval of Resolution
20 2007:02, recommendation to award Contract
21 302.13-C, regulator modifications.

22 Our Executive Director explained that
23 the low bidder, Grove Construction, has rescinded
24 his bid as a result of a mathematical computation

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1 mistake. The committee recommended that the
2 second low bidder, Rosciti Construction, be
3 awarded the contract, unanimously voted by the CEO
4 Committee.

5 And I would move then that we approve
6 Resolution 2007:02, recommendation to award
7 Contract 302.13C, regulator modifications, to
8 Rosciti Construction Company, LLC, in the amount
9 of \$2,016,766.

10 MR. CAINE: Second.

11 MR. LAZIEH: Second.

12 THE CHAIRMAN: Second by

13 Commissioner Caine and Commissioner Lazieh.
14 Discussion on the matter? Further discussion on
15 the matter? Hearing none, all those that are in
16 favor will say aye. Are there any opposed? There
17 are none opposed and the motion carries.

18 There was no other business to come
19 before the Construction, Engineering and
20 Operations Committee. Other committees reporting;
21 Committee on Personnel?

22 MR. CAMPBELL: Yes. While the
23 Personnel Committee met and we considered one
24 action item, the modification to the

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1 organizational chart. And would you like to
2 address that, Ray? Is this something we have to
3 vote on?

4 MR. MARSHALL: It's not anything
5 that the full board has to vote on. It's just the
6 Personnel Committee, all we did was we swapped two
7 positions. One from legal to customer service,
8 one from customer service to legal, and there's no
9 impact on the budget.

10 MR. CAMPBELL: Okay.

11 THE CHAIRMAN: Next order of
12 business is the next committee reporting is the

13 Legislative Committee. I don't believe there was
14 any report. Rules and Regulations did not meet.

15 MR. LAZIEH: There was no report,
16 no committee meeting.

17 THE CHAIRMAN: No report.
18 Long-range Planning.

19 MR. CRUISE: No report.

20 THE CHAIRMAN: No meeting, no
21 report. Citizens Advisory Committee. Harold, how
22 are you? Welcome this morning.

23 MR. GADON: Thank you, Mr. Chairman.
24 The CAC did meet Wednesday, January 17th with a

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1 quorum present. We had an excellent presentation
2 by Richard Bernier, construction manager, on the
3 present status of the CEO and the pipeline. It's
4 amazing what is being accomplished.

5 Executive Director Ray Marshall was also
6 present and enlightened us as to his discussions
7 with East Providence with regard to a big maybe as
8 to whether NBC may at some time take over the
9 operation of the city-owned sewer system, which is
10 again on today's agenda.

11 On March 28th, the CAC meeting will be
12 held in our neighbor's building, Save The Bay. We

13 will hold our regular meeting there and have on
14 the agenda what is interesting to both of us.
15 Save The Bay and NBC have the same goals of clean
16 water, air and land, although they take different
17 paths to achieve the goal.

18 The board does have a member who is on
19 our board and also the Save The Bay board as well
20 as the CAC. All are invited and I hope that some
21 of you will attend. We did receive the 2007 NBC
22 calendars and we compliment those responsible for
23 its composition.

24 CAC, of course, supports the NBC

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1 position as stated in the Chairman's letter of
2 January 17th. Our next meeting is February 21st.
3 Thank you.

4 THE CHAIRMAN: Thank you very
5 much, Harold. Next order of business is the
6 Executive Committee or the Chairman's report.

7 The first thing I would like to raise is
8 the issue of our next meeting which is scheduled
9 for March 7th. Please make a note of that. You
10 will receive your notice.

11 The next item I would like to discuss
12 just briefly and we're going to hear more about a

13 little later is the status of evaluation of East
14 Providence wastewater system acquisition. We did
15 meet earlier last week with Commissioner Caine,
16 Mr. Brown, who is the city manager, and the city
17 solicitor, the executive director, and Laurie
18 Horridge to discuss possibilities of acquiring the
19 East Providence wastewater system.

20 There were obviously no conclusions
21 reached. There is a report that the Executive
22 Director would like to share with the
23 commissioners. Might as well do it at this time.

24 MR. MARSHALL: Sure. What's being

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1 passed out is a memo that Paul Nordstrom and Tom
2 Brueckner put together for me that evaluates the
3 engineering evaluation work that has been done so
4 far on the project. CDM, Camp, Dresser and McKee,
5 was under contract with the city of East
6 Providence to evaluate their wastewater system.
7 They're been doing some work over there for
8 several years now.

9 And so the city amended the contract to
10 have them do an evaluation of what it would take
11 to not only make the improvements in place in East
12 Providence, but also alternatively bringing the

13 flow to Field's Point from East Providence. That
14 is to go under the Providence River.

15 At the same time, we had a couple of our
16 consultants, including Joe Pratt and the Louis
17 Berger Group, look at what impact bringing the
18 flows from East Providence to Field's Point would
19 have on the CSO Program. And we had another
20 consultant, SEA and CH2M-Hill, who was doing our
21 nitrogen work at Field's Point, look at what
22 impact that extra flow from East Providence would
23 have on the nitrogen improvements that we've been
24 contemplating.

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1 And basically what this memo tells you
2 is that to make the improvements in place in East
3 Providence would run about 53 million dollars.
4 Alternatively, to bring the flow to Field's Point,
5 that alone would cost 74 million. And in
6 addition, we'd have to spend about another 50
7 million over and above the nitrogen improvements
8 we've already planned.

9 So by far, the most cost effective
10 solution would be to keep the East Providence
11 flows in East Providence and to treat them at
12 those locations. We did also look at bringing

13 some of the flow to Bucklin Point, but that turned
14 out to be even more expense. And Bucklin Point
15 doesn't have a lot of capacity compared to Field's
16 Point, just in terms of average daily flow without
17 even getting into the whole nitrogen issue.

18 So I thought this would give you
19 something that you could contemplate. When we met
20 with the city last week as the Chairman pointed
21 out, we explained that to them. They asked us to
22 draft a letter, which I'm working on now,
23 outlining our position and to transmit it to the
24 city formally, which we'll do in the next couple

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1 of days.

2 Once we do that, we'll send all of you a
3 copy. And it basically offers if they want to
4 continue to move forward, that would be the option
5 we would pursue. There has been some discussion
6 apparently within the city as to whether the NBC
7 is the best entity to help them address this issue
8 or whether they should do it themselves or maybe
9 consider the private market. That is totally up
10 to them. That is their prerogative.

11 We have updated DEM on where we are in
12 the process because they've had a continuing

13 interest. If the city wants to continue to move
14 forward with us, we have a lot more work to do.
15 Now all the real tough detail work begins on items
16 such as the financial implications of the
17 collective bargaining agreement, that is the labor
18 agreement; all the permitting issues, although
19 Laurie has been working with the city solicitor on
20 that in terms of negotiating a consent agreement
21 that we could be comfortable with; if the city in
22 fact turns it over to us, the pretreatment issues,
23 sewer use ordinance, and there's several other
24 items.

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1 So that's basically where we are. We
2 have made good progress in a short amount of time.
3 There's a lot more work to do. And I think maybe
4 Commissioner Caine wants to add his thoughts to
5 what's gone on so far.

6 MR. CAINE: Just from my
7 perspective being a former city councilman in East
8 Providence, and this is one of the big issues that
9 we have in East Providence is trying to figure out
10 what we do with the plant. It's an old plant.

11 The city of East Providence does not
12 necessarily have the technical capability of

13 moving forward to make those changes, although
14 that's obviously something that the city is
15 looking at right now.

16 From my perspective, the third party,
17 going out to a private party is not the solution.
18 The solution is either for East Providence to do
19 it themselves or for the Narragansett Bay to do it
20 going forward.

21 The one thing I did talk to Ray about is
22 the EPA's latest -- taking a look at what Rhode
23 Island wastewater facility treatment plants need
24 to comply with. And most of the things that NBC

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1 has, East Providence does not have. There's a
2 very limited capital program out there, a very
3 limited maintenance program.

4 So my goal is to try to move forward
5 with the city council, with the city solicitor,
6 and with the city manager to at least educate them
7 as to what Narragansett Bay is all about. I think
8 that's still missing from a public perception
9 perspective.

10 You know, I think there's a perception
11 with the CSO project that rates -- ratepayers for
12 the NBC are going to be paying \$1,200, on average,

13 in three years. That's not necessarily the case,
14 and Karen preparing that is just something that
15 will help me, at least from that perspective.

16 I don't have a read yet on where they
17 want to go, but it's certainly my goal to have
18 them at least become educated on what the NBC
19 does. We're obviously subject to the PUC, which I
20 think is significant from a ratepayer's
21 perspective.

22 Taking a look at there's a separate body
23 that has to look at where the rates go, but to me
24 personally, this is just becoming such a

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1 complicated venture from a wastewater treatment
2 facility perspective that it's very difficult for
3 any individual city or town to handle it.

4 So the idea is over the next at least
5 month or so is to educate, from my perspective,
6 educate the city council members that are
7 currently there and try to figure out where we can
8 go, but the pressure points from East Providence's
9 perspective is there is a requirement that they
10 need to be -- we need to move forward in East
11 Providence, fixing a little bit of the system,
12 dealing with DEM, getting that permit in place and

13 making sure that that permit, I think the meeting
14 at least solved one basic thing, which is if
15 Narragansett Bay were to take over, that that
16 permit is an acceptable permit from NBC's
17 perspective. And that's a big piece of it.

18 The next piece of it is that East
19 Providence needs to commit to making certain
20 changes in a very short period of time. I'm not
21 sure they're prepared to do that at this point in
22 time. Again, my goal as a commissioner here, I'm
23 not on the city council anymore, but I'm certainly
24 an East Providence resident, is to at least make

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1 the East Providence City Council and the folks in
2 East Providence understand what commitments need
3 to be made from East Providence's perspective to
4 make that plant a modern plant and to meet the DEM
5 permit that's out there.

6 I think that's a humongous task for East
7 Providence to do on its own personally. So I
8 would certainly encourage and like to have the NBC
9 come in and take over. That's kind of my goal,
10 but it's still going to be -- I'm not the guy who
11 votes on it.

12 There's five other folks who are going

13 to be voting on it, but hopefully we can help
14 educate them and make them understand what the
15 benefits are from the NBC's perspective. At least
16 that's the game plan. Thank you.

17 THE CHAIRMAN: Thank you. The
18 meeting was productive in the sense that both
19 parties put their positions on the table. And as
20 soon as Ray generates this letter and you do your
21 affairs with the powers that be, we'll get a
22 better sense of where we are on this issue and
23 come back to the board.

24 MR. LAZIEH: Mr. Chairman, just a

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1 question on the subject. Actually, two questions.
2 One, do we have a time schedule of when things
3 need to be done? And how long this is going to
4 take, this process? And secondly, if the NBC
5 Commission does acquire the East Providence
6 system, what type of an impact financially would
7 it be on the ratepayers?

8 THE CHAIRMAN: Well, two things.
9 I'm not aware of any time constraints that we're
10 under except the permit, the Consent Agreement.

11 MR. CAINE: The time constraint's
12 really on East Providence's perspective because

13 they need to move forward based on that permit.
14 We're doing everything that we need to do to meet
15 the DEM permit that NBC currently has.

16 So, it's really up to East Providence.
17 They're the ones -- the city of East Providence is
18 the one that has the time constraints, more so
19 than us.

20 THE CHAIRMAN: From our
21 perspective, there's no time constraints on us.
22 And the second thing is, I think, is once and if
23 the board is so inclined, the vote to approve the
24 acquisition or merger, as the case may be, I think

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1 it's incumbent upon us to provide a rate study
2 projection, so we'll see.
3 I don't think we've done that. We're
4 not at that point yet and that is -- once we know
5 from East Providence that there's a willingness to
6 proceed with discussions, then we're going to
7 commit hundreds of man-hours to that effort. And
8 as part of that effort, we'll make a determination
9 on where the rates may go. We'll be doing some
10 rate projection study.

11 MR. CAINE: I may want to add, if
12 you don't mind, Mr. Chairman, just adding one

13 thing, that brings up really probably the biggest
14 topic which is most folks come to the NBC, whether
15 it's Cranston, Woonsocket, whoever it may be,
16 always comes to the NBC and NBC does a boatload of
17 work, which may or may not be reimbursed, but then
18 doesn't necessarily have a finalized agreement.

19 I think the idea in this particular case
20 is to get a firm commitment from East Providence,
21 provided they want to commit, and then move
22 forward. And then it's not NBC doing the work and
23 then some third party getting the benefit of that
24 at a later date which has happened, I know, in the

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1 past.

2 THE CHAIRMAN: We've been down the
3 road on that. So we're not going to do that
4 again.

5 MR. CAINE: So the idea is to get
6 that commitment, have them understand what the
7 process is, at least from NBC's perspective. Have
8 East Providence, if they want to go out to third
9 party bid or do something else, they can certainly
10 do that in the interim, there's no rush on our
11 part to do anything, but there's certain
12 commitments East Providence has to make to DEM in

13 a relatively short fashion. So I know it's going
14 to be incumbent on East Providence to make that
15 decision, I think relatively quickly, at least the
16 next couple of months.

17 MR. ANDRADE: Mr. Chairman, a
18 question for Commissioner Caine.

19 THE CHAIRMAN: Sure.

20 MR. ANDRADE: I know that the
21 plant only takes part of the city because we
22 use -- NBC has a part of East Providence; do you
23 have any idea on the number of users that if the
24 city decided to keep, that cost would be spread

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1 over? I think it would be quite high.

2 MR. CAINE: I'm trying to think of
3 how many residents there are in East Providence,
4 but two-thirds of the residents would support
5 really the 53 million dollar price tag. There's
6 no question about that. It would be very
7 difficult, I think, from a rate perspective to do
8 that.

9 They're currently taking a look at doing
10 some calculations for that, just sort of back of
11 the envelope calculations, but that's one of the
12 biggest issues, what's the capacity of the folks,

13 and really the center of the city and Riverside to
14 handle that kind of a price tag over a relatively
15 short period of time.

16 The bigger issue, from my perspective,
17 is not necessarily the price tag though, it's the
18 continuing complexity with wastewater treatment
19 and the ability for a city the size of East
20 Providence, it's a decent size city, but it's
21 certainly only one of 39 cities and towns in Rhode
22 Island to be able to have the technical capability
23 to perform under either EPA's guidelines, DEM's
24 guidelines, and the systems and tools that are

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1 needed, I think, that are already in existence
2 from the NBC's perspective, which would be more
3 add-ons as opposed to new systems.

4 I think that's the piece of it that I
5 think a lot of folks don't really understand. And
6 that's what we're going to try to educate them, so
7 that they do understand. The cost for East
8 Providence is not 53 million. It's going to be 53
9 million plus whatever those systems and tools need
10 to be put in place. And it's just really making
11 sure that folks understand it.

12 It's funny, because when I got on the

13 city council and then I became a member here, one
14 of the biggest issues that I continue to hear from
15 a resident's perspective is wastewater treatment's
16 under the road. Nobody cares about it. They
17 flush their toilet. They go away. They think
18 it's handled in a very easy fashion.

19 They don't understand really what NBC
20 does or frankly even from East Providence's
21 perspective what it takes to actually handle that
22 in the way that you need to under a DEM permit.

23 One of the ideas is try to at least
24 educate both city council members and also folks

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1 in the city, you know, to the complexities of
2 that. So, thanks.

3 MR. NATHAN: You say East
4 Providence, isn't Barrington part of that as well?

5 MR. CAINE: Absolutely.

6 MR. NATHAN: I don't know how many
7 residents or how many households there are, but
8 that's added into that.

9 MR. CAINE: Absolutely.

10 MR. NATHAN: Is there any
11 education going on there?

12 MR. CAINE: At this point, I'm

13 trying to help you deal with the East Providence
14 perspective because we're the ones that run the
15 plant, but certainly there's a portion of
16 Barrington that flows through the pipes and is
17 handled at the East Providence facility.

18 I think Barrington, my assumption is --
19 my understanding is, at least, that Barrington
20 residents, I don't think really care in the long
21 run who handles it, just that it's handled
22 correctly. At least that's my understanding, at
23 least, talking to some folks from Barrington.

24 But I think the bigger issue, from my

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1 perspective, from an education perspective, is
2 having folks understand what that cost really is
3 in the long run and how you actually spread it
4 out. Because certainly the 53 million would be
5 spread out over some of the rate payers in
6 Barrington that are part of that facility.

7 THE CHAIRMAN: Further discussion?
8 Okay. Along the previous discussion regarding
9 Separation of Powers issue, I would just like to
10 inform the members that I have received a letter,
11 a communication from the Speaker of the House,
12 Speaker Murphy, informing me that -- I don't know

13 if there's anyone here today, but that as a result
14 of removing legislators from all commissions and
15 boards in the state, that they're going to be
16 sending a representative from the Speaker's Office
17 to each of our meetings to observe and not
18 participate in discussions and then report back,
19 which I don't understand exactly. They're an
20 oversight for our commission, House and Senate
21 Oversight Commissions established?

22 MR. CRUISE: They haven't worked
23 that out yet, but the Senate has been sending
24 representatives of our Policy Office to all the

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1 quasi agencies and boards and commissions that
2 legislators previously had served on.

3 We've been doing that for two years, and
4 the House is going to start doing the same thing.
5 There will be an oversight function of the
6 Oversight Committee that will probably be more
7 formalized at some point, but in the interim, this
8 is the way they're going to do it.

9 THE CHAIRMAN: I'm just informing
10 the members that as a result of that
11 communication, the House -- no one from the Senate
12 has -- you're on the board.

13 MR. CRUISE: That's why. We
14 spared someone from the Senate from coming here.

15 THE CHAIRMAN: All right. I just
16 wanted to inform the members. The next item I
17 wanted to discuss was the land acquisition
18 adjacent to Field's Point, and I was going to
19 update the members on the status of that.

20 But it occurred to me that there were
21 several members who have been on the board that
22 missed the previous presentation and several
23 members of the board who were not on the board
24 when we made our initial presentation regarding

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1 the acquisition, so I asked Laurie Horridge, who
2 has been in communication with the city of
3 Providence, to give us an informal presentation as
4 to what the land acquisition involves, her
5 discussion of who she has been communicating with,
6 and more importantly, why this acquisition is now
7 more important than ever.

8 So Laurie, are you going to do this
9 overhead or as a handout?

10 MS. HORRIDGE: Overhead. I know
11 it's hard to see. For purposes of today's
12 discussion, all you really need to know is we're

13 right here, we're in that lot right there. Our
14 plant is this big one over here and Allen's Avenue
15 would be down here.

16 So, you came in here, down our street,
17 and you're sitting in here. And the green
18 properties are the ones that we're going to
19 discuss today. This is the Providence, they call
20 it the "storage barn." They haven't really used
21 it for too much in the last few years.

22 They have been considering talking about
23 using it as a transfer station, but essentially
24 it's a giant brick building, just sort of sitting

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1 in the corner of our property, our plant property,
2 and they really haven't done much with it in quite
3 a long time.

4 This right here, of course, is Service
5 Road and that little jug right there is the dog
6 pound, which, of course, is right across the
7 street. We had begun discussing in 2003 and the
8 Chairman correctly mentioned that we realized that
9 the majority of you actually weren't even here for
10 the original discussion and then decided to update
11 everyone last month and you didn't know what he
12 was updating.

13 So, we had originally discussed putting
14 together a unification plan for the NBC campus.
15 And that was just simply to simplify things, to
16 make it one neat package so that maybe this would
17 be ours and we'd get the dog pound out of here,
18 and maybe we could put a gate right here and this
19 whole thing would be our property. That was in
20 2003.

21 Since then, we've signed the DEM permit
22 that requires nitrogen removal and as a result,
23 these properties have become even more important
24 to us. In fact, probably absolutely necessary.

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1 This right here would allow us tankage
2 to meet the nitrogen removal requirements that
3 we're coming up against and we might even be able
4 to put something right here, we don't know, maybe
5 another tank or whatever.

6 In 2003, we did some appraisals on the
7 properties and we had some phase 1 environmental
8 study documents done. The dog pound was valued at
9 about 165,000. It's on a quarter acre and it's
10 just that small building there. It has very low
11 environmental liability. Service Road, and this
12 is we're facing north now, was valued at 250,000.

13 Somebody asked at the last presentation
14 I did why we're not -- if we owned the dog pound,
15 then we could abandon this street. The reality is
16 we'd have to either relocate all the utilities or
17 pay the city something for that. So that value is
18 about 250,000 and the public roadway is about
19 1.6 acres.

20 The storage barn is the one that I
21 mentioned, that's the big property. That we
22 believe would be used for nitrogen removal
23 equipment at the northwest corner of the treatment
24 facility. That is valued at half a million. It

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1 includes 3.6 acres and it does have environmental
2 hazards on it. We don't know what the extent of
3 that is.

4 Our phase 1 that we had conducted in
5 2003 suggested that there could be PCB's from
6 transformers, asbestos, lead, various other
7 things. There's a lot of barrels and stuff that
8 have unknown liquids in them, so they've
9 recommended we do a phase 2 to clarify that.

10 There's also an underground storage tank
11 that we can't seem to locate. That means that
12 500,000 number will probably be reduced as a

13 result of having to do some remediation. So we're
14 probably in the next month or so going to suggest
15 that we do the phase 2, which we've gotten a price
16 of somewhere between 6 and 9,000, just so that we
17 can get a number and then reduce the value of the
18 storage garage by that amount.

19 This right here is the northern end of
20 Inge. I don't know if you know where that is, but
21 it's actually, if you looked out this window right
22 here, it's the end of the street. It's our old
23 Eco Depot site. We had a huge piece of property
24 there that we refer to as the Inge property.

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1 The whole southern part we have sold, we
2 sold about a year ago, and this very small
3 portion, which is about 2.1 acres, is still there.

4 One of our thoughts when we were
5 thinking about approaching the city about getting
6 the dog pound was perhaps giving them this piece
7 of property, which is valued at about 380,000, and
8 building them a dog pound because obviously we
9 would have displaced that. We don't know if
10 that's still a doable thing. I'll explain a
11 little further what that has come to mean.

12 The things that we're talking about

13 right now are obviously the main one, which is the
14 compliance with the RIPDES permit and our nitrogen
15 removal requirement. A few people have asked why
16 don't we just straightforward condemn. Federal
17 law actually requires that you absolutely sit down
18 with the owner and try to work out a voluntary
19 acquisition. It's a little grayer in state law,
20 but the courts and the law still prefer you
21 obviously do it voluntarily if you can, especially
22 displacing something like the dog pound.

23 I had met last week with Adrian
24 Southgate, who is the deputy city solicitor for

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1 Providence, and she had told me that while the dog
2 pound is an important thing to the city, the salt
3 barn or the storage barn, they were contemplating
4 using that as transfer station, which is a bigger
5 need she believes for the city.

6 So Ray received a phone call yesterday
7 from Carol Grant from the city and she has
8 requested that we meet to discuss those
9 prioritize. Obviously the police are in charge of
10 the dog pound, DPW is in charge of the transfer
11 station, so we're going to try to meet and try to
12 get everybody together and figure out what we can

13 do.

14 Remediation, as I told you, we're going
15 to go forward and get a number on that, figure out
16 what we're really looking at in terms of cost. Of
17 course, one of the reasons we would want to help
18 the city in terms of either building a transfer
19 station or a dog pound is for the good PR that it
20 gives us, much like the DOT building that we built
21 when we took the land up in Providence for the CSO
22 project.

23 We do know that there is an RFP/RFQ out
24 for the storage garage. They were looking to see

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1 if they could find some use for it, or if they
2 could convert it to a transfer station. Nothing
3 really came of that. So at the moment, it's still
4 sitting.

5 The abandonment of Service Road, I
6 already explained to you. We also need to leave
7 some access to our Narragansett Electric
8 substation, which is on the Inge property.

9 MR. LAZIEH: You're referring to a
10 transfer station, would it be a city controlled
11 transfer station or private?

12 MS. HORRIDGE: I don't know.

13 That's a good question. The city has nothing to
14 do with NBC. Whether or not they would privatize,
15 I have no idea.

16 So just to give you an idea of where the
17 numbers fall out, if Service Road is 250, the dog
18 pound is 165, and the storage garage were 500,
19 that would be roughly 915,000. Our original
20 proposition was to give them the northern end of
21 Inge and build them a new dog pound. That's sort
22 of a back of the envelope calc as to how much it
23 would cost to build them a dog pound.

24 However, as I said, first of all, we've

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1 got to take something out of the 500,000 for the
2 remediation that needs to be done and I'm not sure
3 now that they necessarily want a dog pound, they
4 might want a transfer station more. So we'll have
5 to work on that.

6 What we did in the DOT case is the
7 building that they wanted was significantly more
8 than the value of the property. We only put in up
9 to the amount of the value of the property and
10 then DOT had to pay the remainder. The same would
11 occur here. We would only be involved up to the
12 amount of money that the land is actually worth.

13 So the next thing is we will meet with
14 the city solicitor and whoever from the city to
15 discuss their priorities. We'll conduct a phase
16 2. And if we can do it, we'll enter into a
17 memorandum of understanding or agreement like we
18 did with DOT.

19 If not, we'll initiate the condemnation
20 proceedings because we feel that we need the
21 property. Are there any questions?

22 MR. LAZIEH: Question. You had
23 the map up there previously.

24 MS. HORRIDGE: I can go back to

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1 it.

2 MR. LAZIEH: Keep in mind that
3 property.

4 MS. HORRIDGE: Right. I'll show
5 you where it is on the first one; is that what you
6 want to see?

7 MR. LAZIEH: Yes.

8 MS. HORRIDGE: Actually, right
9 here is the portion of Inge that I was just
10 talking about, the northern portion right there.
11 The whole rest of this has been sold.

12 MR. LAZIEH: The gray is our

13 property?

14 MS. HORRIDGE: This is ours, and
15 this is ours, and the green is all the city, and
16 the pink has been sold all the way up to about
17 here, where the railroad tracks are.

18 So when we were talking about flipping
19 the dog pound and putting it over here, the
20 problem is there's definitely an access issue for
21 them, so I can understand how -- tucked so far
22 back in, they might not want to do that.

23 THE CHAIRMAN: Laurie, locate the
24 security fence for us.

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1 MS. HORRIDGE: I think it's right
2 here.

3 MR. LAZIEH: The security fence
4 is?

5 THE CHAIRMAN: The fence right
6 there. Laurie, can you point? There's a fence
7 right there that blocks off Service Road. So you
8 can't continue, which is also a safety issue which
9 has not escaped me because a number of trailer
10 trucks, ignoring signage down here as they come
11 in, they come right around and the wind-up is they
12 can't go through. It's a safety hazard as well.

13 **MS. HORRIDGE:** That would actually
14 require someone to go all the way from up on
15 Harborside, J&W, and come all the way around the
16 other way. I can understand why it's
17 inconvenient. The other thing is the city may
18 have another location in mind.

19 **MR. LAZIEH:** My concern initially
20 was that since we own the property and the
21 property may be of interest to us for further
22 development in the future, then why transfer it
23 over to the city and build a dog pound where we
24 may need it in the future again, but looking at

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1 it, you pointing out the security fence, that side
2 of the fence is not as advantageous to us as
3 inside the fence which is more advantageous.

4 **THE CHAIRMAN:** I have to give you
5 some perspective. Initially back in 2003, the
6 consideration for doing a campus unification was
7 more for efficiency purposes and we thought we
8 might have a need so we thought it was best to
9 initiate some of that action. But now it looks
10 like it's probably to be necessary to own it.

11 So fortunately, we had already begun the
12 process of a discussion with the city, it kind of

13 languished along, back in 2003, okay, we'll talk,
14 but now we're at a point where we have to take
15 some very specific action to secure the property.

16 But at that time, that property which is
17 the purple section, was available. There was no
18 need or intended use for it, and it was available.
19 So we suggested a possible location for the dog
20 pound, but since that time the city has suggested
21 a location near Roger Williams Park.

22 MS. HORRIDGE: I just found out,
23 you and I were saying, how could that be. It
24 actually was there. Prior to 1974, it was in

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1 Roger Williams Park, so that's the reason it's
2 been brought up again.

3 THE CHAIRMAN: So now the city's
4 saying there's two things. One, maybe we don't
5 want you do the dog pound for us. Maybe we'd like
6 to have you cooperate with us in developing a
7 transfer station, which is the first thing.

8 And the second thing I've just learned
9 and Laurie just learned is that the city now has
10 indicated to us that they have several sites
11 around the city which would be appropriate either
12 for -- well, at least for the dog pound.

13 The transfer station, I'm sure, is an
14 entirely different matter, but at least for the
15 dog pound, which is our immediate concern, they
16 have several locations around the city which would
17 be appropriate according to them. So we'll
18 probably end up not doing anything with that
19 purple piece and the city with regards to the dog
20 pound at this time.

21 MR. ANDRADE: Mr. Chairman, am I
22 correct in remembering that part of that road
23 across there is a paper road?

24 THE CHAIRMAN: There's a paper

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1 road --

2 MS. HORRIDGE: No. The paper road
3 is further down.

4 THE CHAIRMAN: It runs this way.
5 It runs across the Hudson property.

6 MS. HORRIDGE: This one right
7 here.

8 THE CHAIRMAN: That's the one
9 that's right over here. Runs across the -- is
10 that an easement or right-of-way or a paper road?

11 MR. MARSHALL: It's actually a
12 paper street and they've looked at whether that

13 could be extended. It's a pretty severe grade
14 there. So I guess a determination has been made
15 by the Port of Providence and the city that it
16 wouldn't be cost effective to do that, they've
17 evaluated it.

18 THE CHAIRMAN: Commissioner Campbell.

19 MR. CAMPBELL: The property where
20 the construction is taking place for the tunnel,
21 is that Field's Point property?

22 THE CHAIRMAN: Yes. Where the
23 pumping station is.

24 MR. CAMPBELL: Pumping station and

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1 the shaft and all the equipment and everything.
2 So once that construction is completed, that will
3 be vacated?

4 THE CHAIRMAN: Yes. Since you
5 raised that issue, you're kind of ahead of me a
6 bit, but Ray and I have already discussed some
7 possible uses of that property.

8 The configuration is an odd
9 configuration, so we don't know exactly what, if
10 anything, can be put there, but years ago when we
11 embarked on this project, we knew we were going to
12 have some surplus property there and so we talked

13 to the city, just briefly, about when they were
14 involved and what was going on here, and we knew
15 we were going to have some surplus property.

16 So we thought and this, of course, is
17 going to be for consideration of the board at some
18 future point, that that property could be
19 utilized, depending on the configuration, which,
20 Ray, do we have anybody looking at that yet?

21 MR. MARSHALL: No, not yet.

22 THE CHAIRMAN: Anyway, we're
23 looking at the configuration of the property and
24 its orientation and our thought was that if it's

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1 surplus property and the Department of
2 Environmental Management has no objection, we'd
3 like to try to do something that is community
4 oriented, maybe a soccer field, maybe not a soccer
5 field, but a baseball field or Little League
6 field.

7 The Washington Park area really has not
8 a lot of recreational space available to them. We
9 thought it would be a tremendous contribution to
10 the Washington Park area. It's something we're
11 starting to look at. There's really nothing in
12 significant detail for me to bring to the board at

13 this time, but it's a discussion that has been
14 taking place previously and we believe it's time
15 now to start to advance that discussion, so that
16 in the next three, four months?

17 MR. MARSHALL: Yes.

18 THE CHAIRMAN: The next three or
19 four months, we'll have something to present.
20 Maybe it's not viable at all. Maybe it's only
21 good for a basketball court, I don't know, but
22 some recreational function for Washington Park.

23 MR. MARSHALL: We need to maintain
24 access to certain portions of it so we can get in

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1 and out of the pump station, of course, and the
2 tunnel itself and the removal system at the end of
3 the tunnel. And of course the railroad tracks cut
4 that into a one-third two-third parcel also, which
5 isn't reflected on that plan you see before you.

6 But there's probably going to be a few
7 areas that we probably won't need, especially if
8 we gain ownership of the dog pound area and the
9 garage that we spoke about earlier.

10 THE CHAIRMAN: Any other
11 questions. Okay. Thank you. We're running later
12 than we normally do because we started a little

13 later, but that concludes the Chairman's report.

14 Next order of business is New Business.

15 If there's any New Business to come before the

16 board? New Business of any nature?

17 Other Business? Is there any Other

18 Business?

19 MR. LAZIEH: Move to adjourn.

20 THE CHAIRMAN: We have a motion to

21 adjourn.

22 MR. DiCHIRO: Second.

23 MR. ANDRADE: Second.

24 THE CHAIRMAN: Seconded by

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1 Commissioner DiChiro and Commissioner Andrade.

2 All in favor of adjournment will say aye. Are

3 there any opposed? There are none opposed. Thank

4 you very much and the meeting is adjourned. Thank

5 you for your patience today. I'm sorry we ran

6 over.

7 (ADJOURNED AT 12:28 P.M.)

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